

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ERIQ R. McCORKLE,

:

Petitioner,

Case No. 3:21-cv-345

- VS -

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

WARDEN, Southeast Correctional
Institution,

Respondent.

:

**ORDER OVERRULING PETITIONER’S OBJECTIONS TO THE MAGISTRATE
JUDGE’S REPORT AND RECOMMENDATION ON MOTION FOR NEW TRIAL
DATED JUNE 22, 2022 (DOC. NO. 38); ADOPTING REPORT AND
RECOMMENDATION ON MOTION FOR NEW TRIAL (DOC. NO. 35); AND
DENYING PETITIONER’S MOTION FOR NEW TRIAL PURSUANT TO FED. R. CIV.
P. 59(a)(2) (DOC. NO. 34)**

On June 21, 2022, Petitioner Eriq R. McCorkle (“Petitioner”) filed a Motion For New Trial Pursuant To Fed. R. Civ. P. 59(a)(2) (Doc. No. 34) (the “Motion”). On June 22, 2022, United States Magistrate Judge Michael R. Merz issued a Report And Recommendation On Motion For New Trial (Doc. No. 35) (the “Report and Recommendation”), in which Judge Merz recommended that Petitioner’s Motion be denied in its entirety. On July 6, 2022, Petitioner filed a Notice of Objections to the Report and Recommendation. (Doc. No. 38.)

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon said review, the Court finds that Petitioner’s objections (*see* Doc. No. 38) are not well-taken and they are **OVERRULED**. The Court **ACCEPTS** the Report and Recommendation (Doc. No. 35) and its recommended

disposition, **ADOPTS** the Report and Recommendation (Doc. No. 35) in its entirety, and rules as follows:

1. The Court **DENIES** the Petitioner's Motion For New Trial Pursuant To Fed. R. Civ. P. 59(a)(2) (Doc. No. 34).

DONE and **ORDERED** in Dayton, Ohio, this Thursday, July 7, 2022.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE